

REMARKS

Substance of Interview

In a telephone interview on April 24, 2006, Applicant's attorney spoke with Examiner regarding the instant application under final rejection, contending that the Final Rejection mailed on January 11, 2006 was issued in err since certain limitations recited in the claims were not addressed in the Final Rejection. Examiner advised Applicant's attorney to file a Request for Reconsideration and noted that if limitations recited in the claims were not addressed in the Final Rejection, prosecution would be reopened and the finality of the Office Action would be withdrawn.

Arguments in Support of Request for Reconsideration

Applicant respectfully submits that limitations recited in the claims were not addressed in the Final Office Action dated January 11, 2006. Specifically, the limitation of the skin layer having a top surface that is "continuous and flat" is not addressed. This limitation is included in the claim listings for independent claims 1, 25, 50, 73, 96-98, and 100 in the Amendment filed on October 31, 2005, as well as being discussed in the remarks section (pages 21-24). Therefore, Applicant respectfully requests that prosecution be reopened and the finality of the Office Action be withdrawn.

Drawings

In the Final Office Action dated January 11, 2006, Examiner required correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review,"

PTO-948. PTO-948 raises issues with FIGS. 1, 4A-4B and 13-19 under 37 C.F.R. §1.84(l) and 37 C.F.R. §1.84(p).

FIGS. 1, 4A-4B and 13-19 have been amended to correct the informalities noted in PTO-948. Therefore, Applicant respectfully submits that the drawings now comply with 37 C.F.R. §1.84(l) and 37 C.F.R. §1.84(p), and are currently in condition for allowance.

Specification

The specification stands objected to under 35 U.S.C. §132(a) for introducing new matter into the disclosure. Examiner asserts that the added material which is not supported by the original disclosure is as follows: on Page 12 at Paragraph 44, expanded vinyl *and* vinyl with a layer of foam.

Applicant has amended the specification and respectfully submits that the specification is currently in condition for allowance. Reconsideration and withdrawal of this objection is respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claims 1, 24-26, 48-51, 73, 74, and 96-101 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kobe et al. (US 6,610,382 B1). Applicant respectfully disagrees with Examiner's contentions.

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.

1987)”. “The identical invention must be shown in as complete detail as is contained in the ...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Claim 1 was previously amended to recite a system for providing a grip comprising a skin layer, the skin layer having a top surface that is “continuous and flat from said first end to said second end”

Applicant respectfully submits that Kobe does not disclose a grip comprising a skin layer having a top surface that is continuous and flat from the first end of the skin layer to the second end of the skin layer, as recited in Claim 1. Examiner has not provided any evidence that Kobe teaches these claim limitations. In fact, Examiner does not even argue that Kobe discloses a skin layer having a continuous and flat top surface. Applicant cannot find any mention at all of these limitations in Examiner’s rejection. It is respectfully requested that Examiner either provide evidence that the prior art teaches all of the limitations of Claim 1, including a skin layer having a continuous and flat top surface, or the withdraw the rejection.

Furthermore, Kobe only teaches a skin layer having a top surface with upstanding stems, stating, “The article 20 includes a backing layer 21 having a first surface 24 with an array of upstanding stems 26.” (Col. 3, lines 40-42). The top surface in Kobe includes first surface 24. Since the top surface of the skin layer in Kobe must include first surface 24, the top surface of Kobe’s skin layer 21 is clearly not continuous and flat from the skin layer’s first end to the skin layer’s second end. As seen in FIG. 1 of Kobe, if you are going along surface 24, once you reach stem 26, the surface ceases to be flat.

Applicant respectfully submits that Kobe fails to teach each and every element of Claim 1 of the present invention.

The same arguments made above with respect to the patentability of Claim 1 are also applicable to the patentability of Claims 25, 50, 73, 96-98, and 100.

Since Claims 24, 48, 49, 99, and 101 depend from Claims 1, 25, 98, and 100 respectively, Applicant respectfully submits that Claims 24, 48, 49, 99, and 101 are also patentable as they contain the same limitations as their respective parent claims.

Since Claims 26, 51 and 74 were previously canceled, Examiner's rejection of Claims 26, 51 and 74 is moot.

Therefore, Applicant respectfully submits that Claims 1, 24-25, 48-50, 73, and 96-101 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe et al. (US 6,610,382 B1) in view of Oseroff et al. (US 3,848,480).

Since Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 5, 27, 29, 52, 54, 75, and 77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of McCalla et al. (US 6,364,500 B1).

Since Claims 3, 5, 27, 29, 52, 54, 75, and 77 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 5, 27, 29, 52, 54, 75, and 77 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 3, 5, 27, 29, 52, 54, 75, and 77 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 6, 27, 30, 52, 55, 75, and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Bixler et al. (US 5,251,903).

Since Claims 3, 6, 27, 30, 52, 55, 75, and 78 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 6, 27, 30, 52, 55, 75, and 78 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 3, 6, 27, 30, 52, 55, 75, and 78 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 23, 47, 72, and 95 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe.

Since Claims 23, 47, 72, and 95 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 23, 47, 72, and 95 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 23, 47, 72, and 95 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
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